

### **REMARKS**

Applicant gratefully acknowledges Examiner Zhou and Primary Examiner Bayerl for taking time on September 13, 2005, to conduct a personal interview with Applicant's representative. The claims have been amended in accordance with the helpful suggestions made by Examiners Zhou and Bayerl during this interview.

Claims 1-20 are all of the claims presently pending in the application. New claims 15-20 are added to expand the scope of coverage for the present invention. Claims 1-14 are rejected on prior art grounds.

It is noted that Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Parker (in the book, The Complete Idiot's Guide to Microsoft Front Page 2000, 1999).

This rejection is respectfully traversed in the following discussion.

#### **I. THE CLAIMED INVENTION**

As described by, for example, claim 1, the present invention is directed to a homepage creation and update program which causes a plurality of image files to be displayed and allows a user to select a desired image and to indicate one of homepage creation and update using the selected desired image.

The homepage creation and update program causes a computer to display a plurality of stored images and allow the user to select a desired image. The homepage creation and update program automatically arranges, when the user selects a plurality of desired images and indicates beginning of the homepage creation process, the selected plurality of images according to image information stored in each image file. That is, no user or manual intervention is required for such arrangement and the user merely selects the desired images and indicates (e.g., "clicks on") beginning of the home page creation process.

Moreover, as defined by new dependent claims 15 and 18, image information stored in each image can be incidental information that is transmitted by an electronic camera along with image data for an image.

The image information for the arrangement can be at least one of image width, image height, image direction, image resolution, trimming, and zooming.

## II. THE PRIOR ART REJECTION

The Examiner alleges that "The Complete Idiot's Guide to Microsoft FrontPage 2000" anticipates the present invention as defined by the claims. Applicant respectfully disagrees and submits that the evaluation currently of record continues to simply ignore the plain meaning of the claim language of the independent claims, as that meaning would be interpreted by one having ordinary skill in the art, as required by the recent (July 12, 2005) Phillips *en banc* decision by the Federal Circuit Court of Appeals:

*"We have made clear, moreover, that the ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application."*, and by MPEP §2111:

*"The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled the art would reach."*

Applicant submits that the Examiner of record continues to simply ignore the plain meaning of "... arranging, when the user selects a plurality of desired images and indicates beginning of the homepage creation process, the selected plurality of images, automatically, according to image information stored in each image file as incidental information that is transmitted by an electronic camera along with image data for an image."

As best understood from the rejection in the Office Action dated June 24, 2005, the Examiner is attempting to confuse the concept of "saving" a document as somehow being equivalent to the claim phraseology "arranging ... the selected plurality of images, automatically, according to image information stored in each image file...."

That is, the Examiner points to pages 26-27, 92-96, 102-107, and 297-300.

However, Applicant respectfully submits that pages 26-27 merely address saving a new or existing web page (e.g., saving a document). There is no suggestion whatsoever of automatically arranging images in this discussion on pages 26-27.

Likewise, Applicant submits that the discussion on pages 92-96 addresses the manual process of making changes such as alignment to text (pages 92-93), adding space around an

image (pages 93-94), resizing an image (page 94), displaying a smaller image while a larger image downloads (page 94-95), linking an image (page 96), and putting a border around an image (page 96).

Applicant submits that, to one having ordinary skill in the art, the description on pages 92-96 is a discussion of manual steps of making changes, *not* an automatic procedure, let alone an automatic procedure that rearranges images automatically, as based on information stored with each image. There is no suggestion whatsoever of automatically arranging images in this discussion on pages 92-96.

Applicant submits that the discussion on pages 102-107 describes the toolbar (page 102), resampling pictures (page 103), cropping a picture (page 104), adding “cool special effects” (page 104), making transparent GIFs (pages 104-105), making pictures black and white (page 105), adjusting brightness and contrast (page 105), washing out a picture (page 105), making 3D buttons (page 105), typing text on a picture (page 106) rotating and flipping pictures (page 106), making thumbnails (page 107), and saving changes (page 107). However, all of this discussion concerns manual manipulation by the user. There is no suggestion whatsoever of automatically arranging images in this discussion on pages 102-107.

Finally, Applicant submits that the description on pages 297-300 describes uploading the completed page to the server (e.g., publishing). There is no suggestion whatsoever of automatically arranging images in this discussion on pages 297-300.

Therefore, Applicant respectfully submits that the Examiner mis-characterizes the description on these pages of Parker by attempting to allege that they teach or suggest an automatic layout of images. As best understood, the Examiner attempts to allege that the claim language reads on “automatically saving the created webpage document which the user has manually manipulated in accordance with the user’s selection criteria”.

Applicant submits that one of ordinary skill in the art simply could not agree with the Examiner’s interpretation, since the claim language clearly states “arranging ... automatically...”

Hence, turning to the clear language of the claims, in Microsoft FrontPage 2000, there is no teaching or suggestion of: “... arranging, when the user selects a plurality of desired images and indicates beginning of the homepage creation process, the selected plurality of

*images, automatically, according to image information stored in each image file as incidental information that is transmitted by an electronic camera along with image data for an image", as required by independent claim 1. Independent claim 8 and new claim independent claim 17 has similar language.*

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection based on Microsoft FrontPage 2000.

### III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-20, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 9/23/05



Frederick E. Cooperrider, Esq.  
Registration No. 36,769

**McGinn & Gibb, PLLC**  
8321 Old Courthouse Road, Suite 200  
Vienna, VA 22182-3817  
(703) 761-4100  
**Customer No. 21254**